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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

The right to development

Report of the Secretary-General

1. The present report, submitted in accordance with General Assembly resolution 59/185, contains updated information complementing the report of the United Nations High Commissioner for Human Rights on the right to development submitted to the Commission on Human Rights at its sixty-first session (E/CN.4/2005/24).

2. The high-level task force on the implementation of the right to development, constituted in pursuance of Commission resolution 2004/7, met from 13 to 17 December 2004 in accordance with its mandate to consider obstacles and challenges to the implementation of the Millennium Development Goals in relation to the right to development and a social impact assessment in the areas of trade and development at the national and international levels.

3. The sixth session of the open-ended Working Group on the Right to Development was held from 14 to 18 February 2005. The report of the Working Group, including its conclusions and recommendations, is contained in document E/CN.4/2005/25.

4. The Commission on Human Rights, in its resolution 2005/4, endorsed the conclusions and recommendations adopted by the Working Group at its sixth session and called for their immediate, full and effective implementation. It decided to renew the mandate of the Working Group for one year and to convene its seventh session before the sixty-second session of the Commission for a period of 10 working days, 5 of which should be allocated to the second meeting of the high-level task force to be held well in advance of the session of the Working Group.

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5. The Office of the United Nations High Commissioner for Human Rights is currently assisting the Chairperson of the Working Group in the reconstitution of the high-level task force on the implementation of the right to development and the organization of its next meeting. As before, the task force will comprise high-level representatives from the identified trade, finance and development institutions or organizations, and five experts from diverse backgrounds with practical experience related to the implementation of the right to development.

6. Also in resolution 2005/4, the Commission noted with appreciation that the task force, at its next meeting, would examine millennium development goal 8, on a global partnership for development, and suggest criteria for its periodic evaluation with the aim of improving the effectiveness of global partnership with regard to the realization of the right to development. To that end, the Office of the High Commissioner has commissioned two papers to be prepared for the meeting of the task force, one dealing with criteria for evaluating goal 8 and the second addressing the right to development and practical strategies for the implementation of goal 8 at the national level.

7. The Commission further noted with concern in that resolution that the Subcommission on the Promotion and Protection of Human Rights had not yet submitted the concept document requested by the Commission in its resolution 2003/83 establishing options for the implementation of the right to development and their feasibility, inter alia an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development, including issues which any such instrument might address, and requested the Subcommission, without further delay, to submit the concept document to the Commission at its sixty-second session.

8. The Office of the High Commissioner sought, on behalf of the expert of the Subcommission, Florizelle O'Connor, the views of Member States on the concept document for her consideration in preparing the document. The replies received from Member States are available for consultation in the files of the Secretariat. The expert submitted the requested concept document to the Subcommission at its fifty-seventh session (E/CN.4/Sub.2/2005/23).

9. On 10 August, the Subcommission adopted resolution 2005/7, in which it requested Ms. O'Connor to continue her work and to submit a working paper to the Subcommission at its next session, and decided to submit the concept paper to the Commission, together with a summary of other views and ideas on the subject expressed in the Subcommission.